

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM

Section 7: Tierra Amarilla,

NOTICE AND ORDER

THIS MATTER is before the Court on the *Motion by the State of New Mexico for an Order to Require Defendants in Section 7 to File Statements of Claims Based on the Treaty of Guadalupe Hidalgo*. (Doc. _____, filed May 23, 2014).

Having reviewed the Motion and being otherwise fully advised in the premises, I find the request to be well-taken, and that it should be GRANTED.

IT IS ORDERED, THEREFORE, that defendants in the Tierra Amarilla subsection that signed and approved an individual consent order file a statement of any claim of right to the use of water that is based on the Treaty of Guadalupe Hidalgo (“the Treaty”) **on or before August 29, 2014.**

A statement of claims shall include all of the following information:

- (1) The caption and civil action number (69cv07941-MV/LFG) of this case;
- (2) The defendant’s the name, mailing address and phone number;
- (3) The subfile number describing the defendant’s water rights in the Tierra Amarilla

subsection;

- (4) A short and concise statement of the defendant's claim of right to the use of water that is based on the Treaty;
- (5) The general factual and legal grounds for the defendant's claims; and
- (6) A statement of the relief requested from the court.

Defendants, or their attorney, must file the statement of claims with the Clerk of the United States District Court, District of New Mexico, 33 Lomas N.W., Albuquerque, NM 87102.

A defendant's failure to timely file a statement of claims with the Court will thereafter preclude them from raising any claims of right to the use of water based on the Treaty in these proceedings.

Defendants that file a statement of claim will be required to attend a **mandatory** scheduling conference with the Court. Further proceedings on the claims of all defendants will be scheduled at that conference. Any party not appearing at the mandatory scheduling conference in person or by counsel will thereafter be precluded from raising any claim of right to the use of water based on the Treaty. At that conference, the State and the parties shall be required to address any of the following matters:

- a. A proposed schedule for discovery including initial disclosures, disclosure of expert testimony and reports, identification of lay witnesses and exchange of exhibits;
- b. Scheduling of any anticipated dispositive motions; and
- c. Scheduling of a final pretrial conference and entry of a pretrial order.

IT IS FURTHER ORDERED that the State shall file a certificate of service listing the

defendants to whom this Order is mailed and the date of mailing. Defendants represented by counsel that have entered an appearance in these proceedings are served electronically by entry of this Order.

IT IS SO ORDERED.

Lorenzo F. Garcia
United States Magistrate Judge